Broughton Neighbourhood Development Order
Habitats Regulations Assessment
Screening Report
1. **Introduction**

1.1 This screening statement considers whether the development proposed through the Broughton Neighbourhood Development Order requires a Habitat Regulations Assessment in accordance with Article 6 of the European Habitats Directive 1992.

1.2 The screening process is based upon consideration of whether the development proposed in the Neighbourhood Development Order is likely to have a significant effect on a Natura 2000 site or "European Sites" (Special Areas of Conservation (SACs) and Special Protection Area (SPAs). The result of Kettering Borough Council's screening process is detailed in this Screening Report.

1.3 The report includes the following sections:

- Section 2 sets out the regulations that require the need for this screening exercise.
- Section 3 provides some background to the Broughton Neighbourhood Development Order and the wider Development Plan context.
- Section 4 considers the effects of the Broughton Neighbourhood Development Order for Habitat Regulations Assessment (HRA)
- Section 5 considers the findings from section 4 and provides a conclusion on the need, or not for HRA

2. **Legislative Background**

2.7 The need for Appropriate Assessment is set out in Article 6 of the European Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 1994 (as amended 2007 and 2010). These regulations require proposals be subject to Appropriate Assessment if they are likely to have a significant effect on a Natura 2000 site or “European Sites” (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). It is Government policy for sites designated under the Convention of Wetlands of International Importance (RAMSAR sites) to be given the same level of protection as Natura 2000 sites. Therefore Appropriate Assessment should also cover these sites.

2.8 In the context of Neighbourhood Development Orders, a Habitat Regulations Assessment (HRA) is required where a Neighbourhood Development Order is deemed likely to result in significant negative effects occurring on protected European Sites as a result of the order’s implementation.

2.9 The Broughton Neighbourhood Plan Area is located approximately 10km from the Upper Nene Valley Gravel Pits SPA. The impact on this site will need to be considered. This is considered in further detail in section 4.

3. **Broughton Neighbourhood Development Order**

3.1 Broughton Neighbourhood Area was designated on 15th January 2014. The Parish has a population of 2208 (2011 Census). The village is situated to the south west of
Kettering town, close to the western boundary of Kettering Borough. A map showing the designated area is set out in appendix 1.

3.2 Broughton Parish Council is the qualifying body for the preparation of the Neighbourhood Development Order.

3.3 The Neighbourhood Development Order has been prepared for a site in Church Street which is identified in the emerging Broughton Neighbourhood Development Plan as a strategic site for the village. The site is currently the BT exchange, the Neighbourhood Development Order would grant planning permission for:

- A development of a minimum of 5 and maximum of 7 dwellings consisting of small “mews” flats and/or terraced houses of 1 or 2 bedrooms;

4. **HRA Screening**

4.1 The North Northamptonshire Joint Core Strategy was subject to a Habitat Regulations Assessment. This Habitat Regulations Assessment (January 2015) considered that the JCS would not lead to an adverse effect on the integrity of Rutland Water SPA, SAC, RAMSAR site, Barnack Hills and Holes SAC, Nene Washes SPA/SAC/RAMSAR site or Orton Pit SAC. The assessment found there is potential for effects on the integrity of the Upper Nene Valley Gravel Pits SPA and RAMSAR site as a result of the current policies, Strategic sites and proposed non-strategic sites within 7.5km of the designated site. Recommendations were made for avoidance and mitigation measures.

4.2 An addendum to the Habitat Regulations Assessment (June 2015) was prepared to consider the implications of a number of modifications to the JCS. The overall conclusion was that given the changes made to the JCS, including the focused changes, it was considered that mechanisms to avoid adverse effects on the integrity of European sites have been incorporated into the plan and planning application determination procedures. It was therefore concluded that the JCS would not result in an adverse effect on integrity either alone or in combination with other projects and plans.

4.3 Paragraph 3.41 of the JCS states that early consultation with Natural England is needed for all proposals that could affect the SPA, including new residential development on all sites within 3km of the SPA. Within 4km of the SPA development proposals on previously undeveloped farmland of 2 hectares or more should be subject to a site specific wintering bird survey to determine if the land is used by designated bird features and is therefore important supporting habitat. Broughton is located beyond the areas identified on the North Northamptonshire JCS Policies Maps as being within 3km and 4 km of the SPA.

4.4 The site the subject of the NDO is a small previously developed site located a significant distance from the SPA. The order would grant planning permission for a minimum of 5 and maximum of 7 dwellings. The scale of development proposed does not exceed the level of growth identified in the Joint Core Strategy. Given the scale of development proposed and the distance from the SPA it is not considered that the proposed development would have a significant effect on the SPA.
4.5 Natural England commented on the need for HRA for the Broughton Neighbourhood Plan which included the site which is subject of the Neighbourhood Development Order. Natural England was of the view that the location and scale of development proposed in the Neighbourhood Plan would not represent a likely significant effect to any European site.

5.0 **HRA Conclusion**

5.1 Given the scale of development proposed in the Neighbourhood Development Order and the distance between the site and any European Sites it is not considered that the proposals in the Neighbourhood Development Order would represent a likely significant effect to any European site.
Appendix 1

Title: Broughton Neighbourhood Plan Area Boundary

Date: 24/01/14
Scale: 1:25000
Drawn by: KBC

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